

**Washington County Land Use Authority Meeting
December 10, 2013**

The Washington County Land Use Authority Meeting was held Tuesday, December 10, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Chairman Doug Wilson at 1:30 p.m. He led the Pledge of Allegiance, after which, he explained meeting protocol.

Commissioners present: Deborah Christopher, Dave Everett, Kim Ford, Rick Jones and Mike Stucki.

Excused: JoAnn Balen and Julie Cropper.

Staff present: Scott Messel, Planning & Zoning Administrator; Eric Clarke, Deputy Attorney; Kurt Gardner, Building Official; Todd Edwards, County Engineer; Doreen Bowers-Irons, Planning Secretary.

Mr. Messel reported the applicant, Matt Gunn, called and stated he would be late to the meeting and asked if Item #1 could be moved down the agenda until he arrived.

MOTION: Commissioner Stucki MOVED to postpone agenda Item #1 until the applicant was in attendance. Commissioner Everett SECONDED. Motion carried with all five (5) Commissioners voting in favor.

I. CONDITIONAL USE PERMIT EXTENSION. Annual renewal of the Zion 50 and 100 Mile Trail Race. The events will be held on April 4-5, 2014. The events will start and finish in Virgin, Utah with portions of the course in unincorporated areas of the county; applicant Matt Gunn.

Mr. Messel reported the 2014 Zion 50 and 100 Trail Run will be held on April 4-5, 2014. This event has been approved in previous years. There are approximately 300 participants expected for this year's event. The races will start and finish in Virgin Utah; with portions of the route in unincorporated Washington County. The event has a 50K, 100K, and 100 mile course that include portions of Sheep Bridge Road, Gooseberry Mesa, Smithsonian Butte Road, Smith Mesa Road and Kolob Terrace Road. There will be aid stations along the route with first aid, blankets, food and water. Volunteers will handle communication between checkpoints, aid stations and emergency services as needed. Event organizers are working with the Southwest Utah Health Department for approval of the EcoCommode Port-a-potty services. Event Organizers are working with Washington county Sheriff's Office. The events insurance policy is renewed each year and in the past has included Washington County. The event seems to be well organized.

Recommendation:

Staff has reviewed and recommends the Planning Commission approve the Conditional Use Permit Extension for the 2014 Zion 50 and 100 Trail Run based on based on the following findings and conditions:

1. Event Organizers are in the process of completing the applicable requirements of the special event checklist.
2. The event has been approved in past years.
3. The event will have a positive economic impact on the local economy.

Conditions:

1. That the event insurance policy includes Washington County.
2. That a copy of the insurance policy be submitted to Washington County Planning Department.
3. That the port-a-potty service be approved by Southwest Utah Public Health Department.

Since the Staff report was written, Mr. Gunn contacted staff and indicated they will be using the standard port-a-potties they used in the past.

Chairman Wilson asked if there were any issues from prior years. Mr. Messel answered there were none.

Matt Gunn reported the preparations for this year's race are coming along very well. They have recently been approved as qualifier for Western States 100 Mile Run, which is the biggest one out there and every participant wants to get into. There is a short list of races that would allow you to qualify to put your name in the lottery for that race. This says a lot about our event and the people who participate in it. He reported on the participants in this year and past year's event. He asked if there were any questions from the commission.

Chairman Wilson and Mr. Gunn briefly discussed the event and the participants. They also discussed the route, aid stations and various parts of the race.

Chairman Wilson then called for a motion.

MOTION: Commissioner Christopher MOVED to approve the Conditional Use Permit Extension for the 2014 Zion 50 and 100 Trail Run events to be held on April 4-5, 2014. The events will start and finish in Virgin, Utah with portions of the course in unincorporated areas of the County' applicant Matt Gunn, based on meeting all of the requirements according to staff approval and the following findings and conditions:

- 1. Event Organizers are in the process of completing the applicable requirements of the special event checklist.**
- 2. The event has been approved in past years.**
- 3. The event will have a positive economic impact on the local economy.**

Conditions:

- 1. That the event insurance policy includes Washington County.**
- 2. That a copy of the insurance policy be submitted to Washington County Planning Department.**
- 3. That the port-a-potty service be approved by Southwest Utah Public Health Department.**

Commissioner Ford SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

II. CONDITIONAL USE PERMIT EXTENSION. Review of Wind Towers on State Land near Anderson Junction. Located in Section 22, T40S, R13W, SLB&M. Zoned OSC-20. The applicant is Southwest Wind Energy.

Mr. Messel reported Southwest Wind Energy has received an extension for a conditional use for the past several years. The approval was for five (5) wind towers on State Land near Anderson Junction and adjacent to Parcel T-3-0-22-3211, which is owned by Southwest Wind Energy. Washington County Code (10-18-7) states that "A conditional use permit shall be good for one year after approval. If at the end of one year construction has not been started, the conditional use permit shall become null and void unless a request is made for extension by the applicant". Even though the code states that it is the applicant's responsibility to renew a conditional use, staff attempts to contact the applicant for a reminder; and to help them with the conditional use extension process. Mr. Eves is in attendance if the commission has any questions for him.

Recommendation:

Staff recommends the Planning Commission approve the Conditional Use Permit Extension for one year subject to the previous conditions and findings.

Jerry Eves, representing Southwest Wind Energy thanked the commission for their time. He stated they are still moving forward with the project. He received the interconnect study from PacifiCorp that was started four years ago. A phone conference is scheduled for January 17, 2014 in order to continue working towards interconnection. Once that is done, they will pick a wind turbine to be used on the project.

Chairman Wilson clarified this project is on SITLA land and not private property. Mr. Eves answered yes it is on SITLA Lands not private property.

Chairman Wilson asked if the SITLA agreement is still in place. Mr. Eves stated the agreement is still in place. Once everything is erected, the agreement will be formalized.

Commissioner Ford asked how far away they were to getting the approvals and to get the project up and running. Mr. Eves answered most likely it will take another 18 months working with Pacificorp.

A short discussion on the progress of working with Pacificorp and the design engineering of the structures occurred.

MOTION: Chairman Wilson called for a vote to approve the recommended findings. Commissioner Balen MOVED to approve the findings. Commissioner Everett SECONDED. Motion carried with all five (5) Commissioners voting in favor.

Chairman Wilson then called for a motion.

Motion: Commissioner Ford MOVED to approve the Conditional Use Permit Extension to locate four (4) wind towers on State Land within the OST-20 zone near Anderson Junction; Jerry Eves/Southwest Wind Energy, applicants, for one (1) year with the previous findings and conditions currently in place. Commissioner Christopher SECONDED. Chairman Wilson called for a discussion on the motion. There being none, the motion carried with all five (5) Commissioners voting in favor.

III. CONDITIONAL USE PERMIT EXTENSION. Review of the Questar Gas compressor station in Central. Located west of SR-18 on the north side of Frontier Road. Zoned MH. The applicant is Questar Gas/Tim Blackham.

Mr. Messel reported Questar Gas Company received conditional use approval in 2012 for a compressor station that would tie into the Kern River Pipeline System. Since the project is still being constructed, the conditional use extension is needed. Once the work is complete the conditional use will receive permanent status. The compressor station is on Parcel 7114-A-4-NP-DD in Central, on the north side of Frontier Road.

Recommendation:

Staff has reviewed and recommends that the Planning Commission approve the conditional use permit extension for Public Utilities based on the following findings:

1. The request is a conditional use.
2. The conditional use was previously approved.
3. The proposal meets the applicable Washington County Codes.

There was no one in attendance to represent this item.

Commissioner Ford asked how far along the construction was. Kurt Gardner answered the buildings are constructed however there is still a lot of work that needs to be performed on the interior of the buildings. They are moving along with the project and should be completed before the next review is due.

MOTION: Chairman Wilson called for a vote to approve the recommended findings. Commissioner Balen MOVED to approve the findings. Commissioner Everett SECONDED. Motion carried with all five (5) Commissioners voting in favor.

MOTION: Commissioner Everett MOVED to approve the conditional use permit extension request of the Questar Gas Compressor Station located west of SR-18 on the north side of Frontier Road, zoned MH; applicant is Questar Gas/Tim Blackham, for one (1) year based on the following findings:

1. The request is a conditional use in the SFR-1 (Seasonal Forest Residential) zone.
2. The conditional use was previously approved.
3. The project upgrades existing facilities.
4. The proposal meets the applicable Washington County Codes.

Commissioner Ford SECONDED. Chairman Wilson called for discussion on the motion. Clarification was made to include the facts and findings in the motion. Both Commissioners Everett and Ford agreed to modify the motion to include those items. The motion carried with five (5) Commissioners voting in favor.

IV. CONDITIONAL USE PERMIT. Conditional Use Permit request review of a proposed telecommunication tower located on the west side of Dixie Drive at approximately 1500 South. Parcel 7516-A. Zoned A-10. Owners/applicant Orwin & Velda Gubler/IntelliSites.

Mr. Messel reported InSite/IntelliSites has secured a Ground Lease Agreement with the property owner of Parcel 7516-A for a telecommunication facility. The leased area is approximately 3,600 sq. ft. of the most southern tip of an approximately 23 acre agricultural zoned parcel. The site will be fenced with a 6' high chain link fence with privacy slats. The site will include a 12'x26' prefabricated equipment building a 100' tall tower that can accommodate up to six future collocating carriers. Verizon will be collocating at the 96' level upon completion of the tower. Access to the site will be from Dixie Drive. The tower location will be approximately 37 feet from the property line of an undeveloped area that is zoned residential by St. George City. Washington County Code (Ord. 10-21-7) states that no such antenna shall be located within one hundred fifty feet (150') of a residential zone unless approved by the planning commission. This unincorporated 23 acre parcel should be annexed into St. George City, but the property owner does not wish to at this time. The applicant states in the attached letter that the site was chosen due to the fact that the facility would be situated at a higher elevation on a hill, which enables wireless communication carriers the ability to provide a substantially greater range of coverage with fewer facilities.

St. George City has been contacted and their planner and attorneys reviewed the proposed project. They are comfortable with the proposed location but have requested that the fence be a block wall or some other type of substantial material as the slats in chain link deteriorate over time and become unsightly. The surrounding St. George properties are currently zoned residential but undeveloped at this time. The feeling from St. George City is that the towers are not pretty but they are a necessary evil if people want communication by cell service.

Recommendation:

If the Planning Commission is comfortable with allowing the tower to be less than 150' from a residential zone, the Planning Commission can approve the conditional use based on the following findings:

1. The proposal meets the 25' setback requirements for the A-10 zone.
2. The application meets the applicable Washington County Codes.
3. The proposal is similar to other telecommunication facilities the planning commission has approved.
4. The location enables wireless carriers the ability to provide a substantially greater range of coverage.
5. The ability to have additional providers collocated on this site could decrease the number of such facilities needed in the area.

Commissioner Ford asked if the surrounding residential property was private property or owned by St. George City. Mr. Messel reported it is private property.

Commissioner Ford then asked if the private property owners consented to this proposed use. Mr. Messel answered they had been notified however he was unsure if they had consented. The applicant could answer that question. The applicant had met with the property owners surrounding the parcel. In addition, a public notice sign was posted on the property.

Debbie DePompei, representing InSite Towers reported they did reach out to the property owner to make them aware of the plans for the project. We spoke with Curtis Rogers who is mining aggregate from the property at this time. Mr. Rogers has a development agreement to develop the property out into mixed use, some residential and some commercial at some point in the future. She stated they offered to meet with the property owners but they were not interested in meeting for this project. This area has been a difficult site to find due to the terrain, residential areas, etc. This is the most ideal site for the area to provide a greater range of coverage. She explained the process they went through to find a site and the reason they chose this one. The tower will be built to allow multiple users on the tower. She asked the commission to consider this conditional use permit for them to proceed.

Mr. Messel stated one requirement of the applicants when they come forward with a proposal for telecommunication towers is that they have a master plan of communication facilities they would like to see in the county, which the applicant has submitted.

The commission reviewed the maps and site plan for the project. They discussed the surrounding properties and "fall zone" for the tower. It was stated there is no requirement for a "fall zone" in the code. Staff, the applicant, and the commission discussed in some detail the "fall zone", the tower location, and future development of the area and potential impact to St. George City.

Bob Nicholson, Community Development Coordinator for St. George City and representing St. George City stated the city has no problem with the structure. He spoke to Mr. Clarke and Mr. Messel earlier in the day and advised them the city had no issue with the tower other than the block wall. There is no city code regarding a "fall zone". It is assumed the engineering on the tower will address any and all anchoring so it is not a hazard. He commented on the Hillside Ordinance that relates to slope but did not know what the slopes of the property below the tower were. The burden is on the applicant to build the tower adequately that the tower is sound and will not fall.

Commissioner Christopher agreed with Mr. Nicholson regarding the fencing that it should be a solid fence. Mr. Clark responded that the commission has discretion on the type of fencing that can be required. Ms. DePompei stated they would not have an issue with a requirement of having a block wall. Commissioner Christopher then stated one of the requirements she would like to recommend is the block wall.

Commissioner Everett stated the commission has a duty to health and safety to ensure the tower won't fall onto surrounding properties. The applicant notified the property owner who chose not to contact the county nor attend the meeting and it would be his presumption the owner is ok with the proposal.

Mr. Messel stated there is no "fall zone" requirement in the code. The 150-foot requirement does not specifically designate a "fall zone". Mr. Clark provided the ordinance number to the commission for them to review the code.

Matt Ence, of Snow, Jensen and Reece Law Firm stated he was representing Kay Traveler and his interest in the buildings near this property. He reported Mr. Traveler had some concerns. Mr. Traveler owns some buildings and surrounding vacant property that he hopes to develop in the future. He claimed there were no signs on the property and Mr. Traveler only learned of the project today from a third party. They are concerned with the aesthetics of the 100' tower. It will stand very prominently above Mr. Traveler's project. He reported on the Tonnequint Development. Mr. Traveler is amenable and willing to negotiate with the

applicants to place the communication towers on the existing buildings in order to avoid having the tower located near the future development.

Todd Edwards stated there were some small issues he had with the project. It appears the property has fill material which has violated the hillside development ordinance. It also appears the fill material is not compacted and there would be concern with the stability of the soil. One requirement he would like to see if the commission allows the project to move forward is a geotechnical report be submitted to the county addressing the fill material.

A short discussion regarding the site and fill material ensued.

Ms. DePompei addressed the concern Mr. Ence mentioned. They did not contact the commercial development below the ridge because anything below the ridge would not provide adequate coverage north of Dixie Drive as the ridge would block any cell service. Also, before they build the towers they do get a Geotech report and soil samples to address the foundation engineering of the towers to ensure they would be structurally sound. We do not want the towers to fall over.

Commissioner Stucki stated we seem to be confusing the actual construction of the project versus the permit for the tower.

The commission reviewed the site plan and surrounding property. Chairman Wilson stated the "fall zone" may not be in the ordinance but on every tower we have reviewed we discussed the "fall zone" in all zones. Some we were not concerned about i.e. Forest Service land or BLM land. The concern has always been about safety.

The commission discussed the distances from the tower to the property lines and the impacts if in the event the tower were to fall.

Commissioner Ford suggested asking the applicant to provide some written documentation from the property owner that they are specifically aware of the project and that the "fall zone" is there and the concerns the commission has about it. That way, we are not assuming they are aware of the potential issue. He asked that be made one of the conditions of approval. He also had a concern regarding the commercial property owners concerns.

Mr. Clark stated if the commission would like to see additional information and insurances, staff should be directed to compile the items, so that when it is presented back to the commission it would be items we can support.

Ms. DePompei stated they had no problem waiting until the next meeting for approval. She reported on the steps they took to notify the property owner which is held in a trust. The person who has the development agreement for the property indicated he made the owners aware and they had no problem with the project and did not want to meet with them. She will get something in writing if the commission requires it.

Chairman Wilson then called for a motion.

MOTION: Commissioner Ford MOVED to table approval of the Conditional Use Permit request of a proposed telecommunication tower located on the west side of Dixie Drive at approximately 1500 South, Parcel 7516-A; Zoned A-10 Owners/applicant Orwin & Velda Gubler/IntelliSites until we have a better understanding of what will take place on the site and who has been contacted. Commissioner Christopher SECONDED. Chairman Wilson called for discussion on the motion. Mr. Messel asked for clarification on whether the commission wanted staff

to meet with the property owners or get a letter from the applicant that they talked to the property owner. Chairman Wilson asked Mr. Clark what his thoughts were. Mr. Clark clarified the concerns were communications, noticing, safety, and the "fall zone" and stated it would be a good idea for a clear record to look at those items at the time the commission makes a decision. Commissioner Stucki stated "Point, the City of St. George's representative showed no concern about the fall zone. The fall zone is not specifically mentioned in the ordinance so I think we are unduly holding up this project over something that really doesn't impact the conditional use permit. We are talking about construction items that would come up during construction permitting and so I feel that we are unduly holding the project up over something that doesn't really concern us". Chairman Wilson asked if there were any amendments to the motion. Commissioner Ford stated he still thought staff should be fully on board with this item and have documentation records. Chairman Wilson called for a vote on the motion. The motion carried with Commissioners Ford, Everett, and Christopher voting Aye and Commissioners Stucki and Jones voting Nay. The item will come back to the commission at the January 2014 meeting.

A discussion between staff, the commission and Ms. DePompei regarding documentation and what the commission would like to see ensued. Ms. DePompei indicated she would gather the documentation and submit it to the planner.

The Commission went back to Item #1 as the applicant was present.

V. PUBLIC HEARING/ZONE CHANGE. Request to rezone Parcel 3170-F-LS from OST-20 to C-3. The owner/applicant is Philip Kernan/Mike Davis.

Mr. Messel reported the property owner, Phillip Kernan, is requesting to rezone a 1.14 acre parcel, number 3170-F-LS, from OST-20 (Open Space Transition 20 acres) zone to C-3 (General Commercial) zone. The requested zone would allow billboards on the property, which the applicants would like to put in place. Washington County Code 10-19-3 states that, "Off premise signs or billboards shall be permitted along the Interstate Freeway within the county upon property zoned for commercial use and lying within a corridor extending five hundred feet (500') on each side of the centerline of said freeway." The parcel is adjacent to the Town of Leeds and is located on the west side of I-15.

It is staff's opinion that the property would be best served into the Town of Leeds and recommended that the property be annexed. The applicant does not wish to annex because Leeds does not allow billboards. The applicant met with the Planning Commission to discuss moving forward with this proposal in the November 12, 2013 Planning Commission Meeting. The Planning Commission requested that the applicant contact the Town of Leeds to see if they would be in favor of the rezone and proposal to install up to two (2) billboards on this property. Staff has contacted Leeds and discussed the proposal. Representatives from Leeds were not in favor of the proposal.

The Washington County General Plan map does not have a land use designation for this property. The neighboring parcels are designated as Residential or Agricultural. The General Plan states, "The outline of land use areas are, in some instances, definite and straight, and in other instances, flexible and free form as shown on the Map. A curving, or free form line, indicates a flexible boundary between two classes of land use. On the other hand, a straight definite line which is co-terminus with the edge of a well-defined physical boundary, such as a street, or other fixed and observable line, indicates a definite boundary for the district." It also states, "The General Plan is not a zoning plan. It should, however, bear a relationship to all future land use actions taken by the land use authority."

Considerations:

The Planning Commission should consider the following:

1. Does the proposed zone change meet the intent of the General Plan? If it is determined that the proposed zone change does not meet the intent of the General Plan the Planning Commission could recommend amending the General Plan. If the Planning Commission finds that the request does not meet the intent of the General Plan and is not in favor of amending the General Plan, the Planning Commission could recommend denial of the requested zone change.
2. Is the proposed C-3 zone appropriate for this parcel?
3. The zone change request was properly noticed.

Commissioner Ford clarified the boundaries between the County and Leeds.

MOTION: Chairman Wilson called for a motion to open the Public Hearing. Commissioner Stucki MOVED to open the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all five (5) Commissioners voting in favor.

Chairman Wilson explained the rules of the public hearing and stated each speaker will have three minutes to state their comments.

Philip Kernan stated he is the applicant and owner of the parcel they wish to rezone. He reported on the acreage and introduced Mike Davis who is working on his behalf to see the zone change through.

Mike Davis stated they are requesting the zone change in order to put two Billboard signs on the property. The billboards will be half the size and height of a full size billboard they will be 10½' x 36' and about 25' in the air. He provided a map of where the billboards would be placed on the property.

Commissioner Christopher asked what the reason was to have the size of the billboards smaller than the standard billboards. Mr. Davis answered the reason is because a full size billboard will not fit on the property.

Mr. Davis reported he met with the Town of Leeds and discussed some of their concerns. We are open to changing certain things like the lighting issue. Also, the billboard structures would be painted an earth tone color to make them more aesthetically pleasing. He indicated they would be open to options.

Chairman Wilson stated we are talking about a zone change, not the property development. A short discussion regarding the zone change occurred. It was pointed out once the zone is changed there are a variety of different things that could go on the property, which is something the commission needs to be aware of.

Wayne Peterson stated he is a member of the Leeds Town Council and the Mayor Elect. He appreciated the commission listening to him today and thanked them for their consideration. He reported Leeds passed an ordinance over a decade ago with regards to billboards and outdoor light usage. He reported they are opposed to the zone change. Having been notified by the applicant, this proposed usage would be inconsistent to the current ordinance of Leeds and its pristine beauty and night sky. He asked that the rezone not take place.

Kayla Kolber stated she was a citizen of Leeds and a past member of the Vision Dixie Steering Committee and current member of the Vision Dixie Implementation Committee. She is here as a citizen of Leeds but as part of Vision Dixie had learned to not let emotions or personal motives to supersede what she thought was an objectionable analysis and what is for the common good of Washington County. She understands property owners have rights and should be able to maximize those rights. She gave a short overview of Vision Dixie's resolution. She felt the billboards would detract from the scenic beauty of the area and would ask the County to uphold current rules and not allow the rezone especially for billboards. She stated they pay a premium for lots in the area and these billboards would then be an economic detriment. She asked the rezone to be denied.

Susan Savage, resident of Leeds stated she is just down the road from the proposed site. They recognize individual property rights but the owners along the I-15 Corridor going into Southern Utah have a responsibility to help protect the economy of the area. The economy is based so much on tourism. People who come here to see the area find it beautiful and the views should remain unobstructed with billboards. She opposed the rezone and the detracting billboards would create.

Angela Rohn, Mayor of Leeds reported Leeds Town surrounds this property on all four sides. We have the Red Cliffs Desert Reserve on two sides of Leeds and the town is primarily residential agriculture area and a natural attraction site. Toquerville, several years ago, lost a lawsuit and now there are four billboards which are lighted and can be seen from Leeds. This creates light pollution. Leeds has a night light ordinance and it is her understanding that the County and Vision Dixie have also proposed a like ordinance. She explained the access to this property noting it would be down a gravel road. She was concerned with the rezone and would like the rezone to be denied.

Bob Nicholson, planning consultant with Leeds Town commented that Leeds surrounds the property and the property has been declared part of Leeds expansion area and therefore should be deferred to Leeds Town for action. The Utah billboard act requires billboards to be placed in commercial or industrial zone. It also states these zones should not be created for the sole purpose of outdoor advertising. It would appear that this is the case here.

There were no additional comments.

MOTION: Chairman Wilson called for a motion to close the Public Hearing. Commissioner Ford MOVED to close the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all five (5) Commissioners voting in favor.

The commission and staff discussed legalities of the zone change.

Mr. Clark stated Mr. Messel previously reported that one of the findings if this is approved today would be that it is in conformity of the General Plan, unless you otherwise want to move it forward you would need to go back and open the General Plan. There is nothing on this map indicates commercial zoning being projected from the General Plan.

Mr. Stucki asked doesn't the nature that it is an OST transition zone leads them to say it goes from one zone to another. Mr. Clark answered yes and that would be the argument. The commission is free to find that it meets that intent. The safest way for ambiguity purposes would be to go back and open the General Plan but we can work with the ambiguity if a finding is done correctly and that is the way the planning commission wants to go.

Commissioner Ford commented about the property across the highway in Leeds that came before the commission years ago for a commercial zoning. He asked if it was still commercial. The commission briefly discussed that property.

Commissioner Stucki asked the size of acreage of the parcel and if it was part of another parcel or by itself. It is 1.14 acre and stands by itself and is adjacent to the same property owner.

The commission clarified the surrounding zoning and viewed the zoning maps. The zone bordering the property is residential. The property previously discussed was zoned industrial.

Mike Davis readdressed the commission. He asked if there were any questions. The property is zoned Open Space Transitional which is subject to change based on urbanization or when there is a need for something to change. The intent is to change the zone to commercial in order to use it to its full benefit.

Commissioner Christopher asked Mr. Davis if he believed the change conforms to Leeds future plans. Mr. Davis answered that he did not feel the change would harm Leeds in anyway. In fact, it might be beneficial for them in advertising the town itself.

Mr. Clark interjected under section 10-6B-1 of the Washington County Code states the purpose of the open space transition zone is to primarily protect undeveloped private land.

Chairman Wilson stated there are a couple of issues. The issue surrounding the General Plan and if this is in conformance of the General Plan; if not, then the General Plan should be amended and if the commission would be willing to move forward with that amendment.

Commissioner Stucki commented on the section of the code for the OST zone under conditional uses it states: "Other uses similar to the above and judged by the planning commission to be in harmony with the character and intent of this zone". He reviewed the conditional uses of the code citing an argument could be made that a billboard could fit in this as commercial in nature. Almost everything on the list is commercial in nature. The intent of what the owner wants by looking at the list, the billboard would be compatible because it is commercial in nature. The general plan does not state this proposal is prohibited.

Mr. Messel stated the general plan does not call this out as commercial and explained the general plan intentions and zoning.

A very lengthy discussion regarding legalities of the General Plan and changing the zone occurred. Mr. Clark reported the safest route to go is to open the General Plan for amendment. Mr. Stucki asked how the LUDMA act would affect this parcel. Mr. Clark reported having the General Plan and following it is part of the LUDMA Act. Mr. Messel stated the codes are up to standards with the act. Commissioner Christopher stated if we were to recommend the zone change, facts and findings would be needed.

The commission discussed property rights and what an owner wants for their land. The C-3 zoning was discussed along with what would be allowed in that zone. A discussion on the access to the property also occurred. It was pointed out that the Town of Leeds opposes the change and the potential of billboards placed on the property. Mr. Clark gave the commission legal advice on the rezone during a discussion on public clamor. The annexation process and having the property annex into Leeds which the property owner does not want were also addressed. The billboards in Toquerville and the lawsuit against Toquerville over those billboards were noted.

Commissioner Everett suggested making facts and findings for both sides of the argument.

Mr. Clark stated one of the facts and findings the commission would need to make is that the proposal meets the zoning requirements under 10-10-1-C Purpose Item #2 which he read. Mr. Everett stated another finding would be that Leeds has expressed opposition to the commercial zoning of the property. Commissioner Ford stated additional information regarding Leeds is that they have ordinances restricting outdoor lighting and billboards.

The commission discussed and made the following findings of fact both for and against:

FOR

- Billboards are permitted in the C-3 zone.
- The property owner does not desire to be annexed into Leeds.
- The acreage for the proposed zone change is adequate for the setback requirements.
- A billboard sign is a permitted use along the freeway in a commercial zone.

AGAINST

- 10-10-1-C-2 stated the C-3 general commercial zone should be located principally in existing communities and not along major highways.
- Access is along a dirt road.
- Letter from Leeds against the proposal.

NEUTRAL

- Not prohibited nor allowed by the General Plan.
- Could meet County Code 10-19-1-A Purpose and Scope regulations.

After further debate, Mr. Clark suggested that the General Plan be amended to change the zoning on the property if the commission is willing to make the recommendation for approval.

Chairman Wilson stated the options the commission had; first, recommend approval of the zone change; second, recommend denial of the zone change; and third, recommend opening and amending the General Plan to allow for the use. Chairman Wilson called for a motion.

MOTION: Commissioner Ford MOVED that the entire situation be brought under review in regards to the General Plan and then brought back for changes to the zoning. Commissioner Stuck SECONDED and asked for clarification, so we are going to table the request to change the zone and request staff to move forward with the General Plan change. Commissioner Ford confirmed that was the motion. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

Chairman Wilson stated the decision that was just made was that there has been no decision made on the zone change. The decision is that we will look at the General Plan and open it up to see if a change to the General Plan for this zone change request is warranted.

Chairman Wilson declared a conflict of interest with Item # 6 as he is an employee with the Washington County Water Conservancy District who is a very large share holder in the St. George Washington Canal Company which the dedication plat goes through.

VI. PUBLIC HEARING/ROAD DEDICATION PLAT. Dedication of a 66' public road right-of-way for sections of Washington Dam Road, Turf Sod Road, and Warner Valley Road. The proposed dedicated sections of road are approximately 5.17 acres of land. Located in the Southeast Quarter of S20 & Southwest Quarter of S21, T42S, R16W, SLB&M. Washington County is the applicant.

Mr. Messel reported the construction of the Southern Parkway has created the need to modify the alignment of several roads. This Road Dedication Plat is for the modified alignment of portions of Washington Dam Road, Turf Sod Road and Warner Valley Road. The right-of-way is 66' and contains approximately 5 acres.

Todd Edwards reported the Southern Parkway destroyed the county road that provided access from Washington to Hurricane. In an effort to allow as much access as possible, UDOT agreed to install an underpass under the Southern Parkway which, is where the Warner Valley Road goes to. He believed the WCWCD participated in the project.

Chairman Wilson explained the participation of the WCWCD with the project noting there was a land exchange.

Mr. Edwards stated this is the last step in completing this portion of the road. Most of the road was prescriptive easements and this will give the County a dedication. He described the access. He asked the planning commission to approve the request.

Chairman Wilson and Mr. Edwards reported on how the dedication came about along with the future plans for the road and its uses.

MOTION: Chairman Wilson called for a motion to open the Public Hearing. Commissioner Ford MOVED to open the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all five (5) Commissioners voting in favor.

There were no comments on this item.

MOTION: Chairman Wilson called for a motion to close the Public Hearing. Commissioner Stucki MOVED to close the Public Hearing. Commissioner Christopher SECONDED. Motion carried with all five (5) Commissioners voting in favor.

Chairman Wilson then called for a motion.

MOTION: Commissioner Stucki MOVED to approve the dedication of a 66' public road right-of-way for sections of Washington Dam Road, Turf Sod Road, and Warner Valley Road. The proposed dedicated sections of road are approximately 5.17 acres of land. Located in the Southeast Quarter of S20 & Southwest Quarter of S21, T42S, R16W, SLB&M. Washington County is the applicant. Commissioner Christopher SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

VII. STAFF DECISIONS. The Land Use Authority Staff Meeting held on December 3, 2013.

Mr. Messel reported on the Land Use Authority Staff Meeting held on December 3, 2013, which included the following items heard during this meeting; a conditional use request to move a modular home onto Parcel 7139-B-NW located on Cottom Road in Veyo; a 35' tall antennae for internet service at 176 West Little Pony Lane in Pine Valley; a conditional use for a 2nd septic system on Parcel OFSO-5 in Dammeron Valley for a shop; a request to move a family home from Hurricane to Parcel 2185 located near Apple Valley.

VIII. REVIEW OF 2014 MEETING CALENDAR. Review of Land Use Authority 2014 meeting schedule.

The commission and planning staff reviewed the 2014 Meeting schedule. It was noted there would be one meeting per month unless, in the event a second meeting would be required; the schedule would be amended.

IX. MINUTES. Consider approval of the minutes of the regular planning commission meetings held on September 10, 2013, October 08, 2013, and November 12, 2013.

The commission reviewed the minutes of the past meetings and Chairman Wilson then called for a motion. It was suggested to do the motions separately.

MOTION: Commissioner Everett MOVED to approve the minutes of the September 10, 2013 meeting as written. Commissioner Stucki SECONDED. Chairman Wilson called for

discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

MOTION: Commissioner Stucki MOVED to approve the minutes of the October 08, 2013 meeting as written. Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

MOTION: Commissioner Stucki MOVED to table the minutes of the November 12, 2013 meeting until the next meeting. Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with five (5) Commissioners voting in favor.

X. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items; County initiated.

Mr. Messel reported the County Commission has approved the Campground Ordinance change. With the ordinance being adopted, the conditional use permit for the Gooseberry Mesa Yurts will allow them to operate based on the Planning Commission approval.

XI. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

Mr. Messel announced that Commissioner Julie Cropper has received a mission call and will no longer be able to fulfill her term. She has asked to be granted a leave of absence until she returns from her mission in 18 months. It will be up to the County Commission to determine how they want to proceed with an alternate member.

Commissioner Everett moved to adjourn the meeting at 4:10 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 10 January 2014